**Recommendation Report for Planning Permission**

**REF NO:** **AW/102/13/**

**LOCATION:** Rear of 1 The Precinct
Bognor Regis

**PROPOSAL:** Change of use from B1 (Business) to D1 Dental Practice (Non-residential insitutions)

**SITE AND SURROUNDINGS**

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|---|---|
| DESCRIPTION OF APPLICATION | The proposal is to change the use of this existing unit located at the rear of 1 The Precinct from offices under B1 (a) to a Dentist (D1).<br><br>The new unit will not be self-contained but rather will become part of the existing dentists at 3 The Precinct via a slight change to the floor plan of the existing dentists and the partial knock through of the dividing wall to create a corridor. Permission is not required for the internal changes.<br><br>The extended dentist area will comprise of 2 treatment rooms, a staff room, small kitchen area, WC and a small waiting area. This is an improvement to the existing dentist particularly in respect of the 2 new treatment rooms and the staff room (which the existing dentist does not currently have). Whilst the new floor space does feature a small waiting area adjacent to the existing door, the door itself will be a fire door only - it is not proposed to use this side door for access. |
| SITE AREA | The existing unit has a floor area of 58m2. There is no external space associated with the unit. |
| TOPOGRAPHY | Flat. |
| TREES | No trees are affected. |
| BOUNDARY TREATMENT | n/a |
| SITE CHARACTERISTICS | The existing unit is a small self-contained office unit located at the rear of no. 1 The Precinct. It shares a wall with nos. 1 and 3 but there is no second storey (instead it has a flat roof). The unit has a side door onto the Precinct/parking area. The current internal layout comprises of two small offices, a store room, kitchen, WC and a small reception area. |
| CHARACTER OF LOCALITY | The Precinct is a small community shopping facility with a |

row of shops along the ground floor/at street level and two levels of flats above. There are large car parks to each side of the Precinct (east and west). The shopping area has a decidedly community/service orientated feel with a doctor's surgery opposite no. 1, a chemist adjacent, a vet nearby, the existing dentist and a community centre at the far end.

## RELEVANT SITE HISTORY

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|---|---|---|
| AW/60/01/ | To cover in external yard area with flat roof to make new lock up store & rear/side access for shop | Approve Conditionaly 05-06-2001 |
| AW/62/04/ | To convert existing 3 bedroom maisonette into 2 seperate one bedroom flats | Approve Conditionaly 30-06-2004 |
| AW/284/05/ | Removal of storage area and extension and alteration to form new office. | Approve Conditionaly 23-12-2005 |
| AW/180/08/ | Outline application for proposed extension of no's 1 & 2 West Meads precinct to create a mixed use development of 8 new flats, 1 retail unit & an extension to the existing doctors surgery. | Refused 21-01-2009 |
| BE/17/64/O | Off Licence shop front | Approve Conditionaly 13-05-1965 |
| BE/1/65/ADV | Illuminated signs on front and side elevations | Apprvd/Cond ADV 13-05-1965 |

There is a history of approvals concerning no. 1 or the application unit behind.

## REPRESENTATIONS

**Representations received:**

Aldwick Parish Council

Aldwick Parish Council - no objection.

**Comments on Representations received:**

## CONSULTATIONS

**Consultations responses received:**

None.

**Comments on Consultation responses:**

## POLICY CONTEXT

Designation applicable to site:

Within built up area boundary.

**DEVELOPMENT PLAN POLICIES**

| | | |
|---|---|---|
| Arun District Local Plan: | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |
| | GEN12 | Parking in New Development |

**PLANNING POLICY GUIDANCE**

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|---|---|---|
| | NPPF | National Planning Policy Framework |

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to.

The Development Plan consists of the Arun District Local Plan 2003. Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS**

Policy GEN2 allows development in the built up area boundary subject to other policies in the Plan. There are no policies in the Plan that have specific regard to the promotion of service type uses or essential community facilities.

However, the National Planning Policy Framework (NPPF) places a strong emphasis on sustainable economic development. This change of use from vacant offices to dentists will result in both social and economic benefits without any environmental impact and is therefore considered to represent sustainable economic development. Furthermore, paragraphs 69 to 78 of the NPPF, discuss promoting healthy communities. Paragraph 70 discusses the need for decisions to plan positively for local services and to "ensure that established ..... and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;"

Policy GEN7 protects against impacts to neighbouring properties and in this case it is considered that there is no change to adjoining occupiers.

Policy GEN7 also requires that vehicle parking be provided in accordance with Policy GEN12. Policy GEN12 has specific regard to parking in new development. This is not new development per se and it is considered that a change from 2 offices to 2 dental treatment rooms results in no change in the parking requirements, particularly considering the wealth of parking surrounding the Precinct.

## HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protrcted characteristics.

## RECOMMENDATION

**APPROVE CONDITIONALLY**

1 The development hereby permitted shall be begun before the expiration of 3 years from

the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN12

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.